

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-6788

JURONE HAMMOND,

Petitioner - Appellant,

v.

JOHN S. WOLFE, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the District of Maryland, at Baltimore.
Richard D. Bennett, Senior District Judge. (1:17-cv-03721-RDB)

Submitted: July 29, 2024

Decided: August 12, 2024

Before NIEMEYER and HARRIS, Circuit Judges, and KEENAN, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Jurone Hammond, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jurone Hammond seeks to appeal the district court's order dismissing as untimely his amended 28 U.S.C. § 2254 petition.* *See Gonzalez v. Thaler*, 565 U.S. 134, 148 & n.9 (2012) (explaining that § 2254 petitions are subject to one-year statute of limitations, running from latest of four commencement dates enumerated in 28 U.S.C. § 2244(d)(1)). The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(A). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). When, as here, the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable and that the petition states a debatable claim of the denial of a constitutional right. *Gonzalez*, 565 U.S. at 140-41 (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

We have independently reviewed the record and conclude that Hammond has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. We deny Hammond's motion to appoint counsel. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED

* We previously remanded Hammond's appeal of the denial of his § 2254 petition with instructions for the district court to consider Hammond's claim that trial counsel provided ineffective assistance by abandoning him at trial and conceding Hammond's guilt without his consent. *Hammond v. Wolfe*, 2022 WL 4182770 (4th Cir. 2022) (No. 21-6277).